

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1519 – SB 2532

March 26, 2014

SUMMARY OF ORIGINAL BILL: Provides that a pregnant mother can be prosecuted for assaultive offenses if the child is born addicted to or harmed by the woman's illegal use of narcotic drugs or for criminal homicide if the child dies as a result of the woman's illegal use of narcotic drugs.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (015339): Deletes all language after the enacting clause. Provides that a pregnant mother can be prosecuted for assault, under Tenn. Code Ann. § 39-13-101, if her child is born addicted to or harmed by the woman's illegal use of narcotic drugs as defined in Tenn. Code Ann. § 39-17-402.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Tenn. Code Ann. §§ 39-13-107 was amended by 2012 Pub. Ch. 1006. As a result, a pregnant woman could not be prosecuted for harming her unborn child from drug or alcohol abuse. *See* Opinion of the Attorney General 13-01 (Revised) (Feb. 1, 2013). The fiscal note for 2012 Pub. Ch. 1006 did not reflect a decrease in state expenditures from a reduction in convictions. Thus, amending Tenn. Code Ann. §§ 39-13-107 to allow pregnant mothers to be prosecuted for harming their unborn child from drug or alcohol abuse will not have a significant impact on the state, as the Department of Correction is currently receiving funding for such admissions.
- The bill, while not returning Tenn. Code Ann. § 39-13-107 to the same language that existed before 2012 Pub. Ch. 1006, provides that a pregnant woman can be prosecuted for harming her unborn child from drug or alcohol abuse.
- Since the bill essentially returns the law to how it was prior to 2012 Pub. Ch. 1006, it is assumed that the impact to the caseloads of the District Attorneys General Conference, the District Public Defenders Conference, and the Administrative Office of the Courts,

will not be significant and that any impact can be accommodated within existing resources.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/trm